

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

JOHN A. MOFFETT,)	CV NO. 03-00130 MLR-BMK
)	
Plaintiff,)	DECLARATION OF WENDY Y.
)	VONDERBURGH
vs.)	
)	
SMF SYSTEMS CORPORATION, A)	
MARYLAND CORPORATION; TOM)	
CAFFREY; RUBY CAFFREY; DOE)	
CORPORATIONS 1-20; DOE)	
PARTNERSHIPS 1-20; DOE ENTITIES)	
1-20; JOHN DOES 1-20; JANE DOES 1-)	
20; GOVERNMENTAL AGENCIES 1-20,)	
)	
Defendants.)	
_____)	

DECLARATION OF WENDY Y. VONDERBURGH

WENDY Y. VONDERBURGH, declares the following:

1. I am a paralegal with Marr Hipp Jones & Wang, LLP.
2. I personally reviewed each entry contained in Exhibit E to Defendants' Bill of Costs, determined what document(s) were copied, how many pages were contained in each document, and the amount to be included in the Bill of Costs. The amount charged in the Bill of Costs is as follows: a) for correspondence and transmittals authored by our office only one copy for our correspondence file was charged; b) for deposition exhibits to Plaintiff's oral deposition, one copy for the Court Reporter, one copy for the attorney taking the

deposition and one copy for opposing counsel and deponent was charged; c) for pleadings, other than motions, one copy for our pleading file and one copy to opposing counsel was charged; d) for motions two copies to the Court, one copy for our pleading files and one copy to opposing counsel was charged; and e) for Motions in Limine, Jury Instructions and Trial Brief one copy to the Court, one copy for our office and one copy to opposing counsel was charged. Copies that were made strictly for our in-house purposes were not charged in the Bill of Costs.

3. In Plaintiff John Moffett's Objections to Defendants SMF Systems Corporation, Tom Caffrey, and Ruby Caffrey's Bill of Costs filed January 12, 2006, pages 12 to 14, Plaintiff states that the taxation of copying costs should be reduced by approximately 2,951 pages. Regarding the amount objected to by Plaintiff, Defendants either did not request costs for the entire number of copies cited by Plaintiff or did not request any costs for the entries as set forth in more detail below:

<u>Entries objected to by Plaintiff</u>	<u>Response</u>
"Charge for 2 pages, dated 10/5/04 - Description '(SMF - Moffett)'"	Did not charge Plaintiff for this entry.
"Charge for 22 pages, dated 4/5/05 - Description '(11x2)'"	Review of the Correspondence file indicates that this entry is of a letter to Anne Horiuchi, Esq. from Lynne Toyofuku. Charged Plaintiff for 12 pages and not 22 pages.

<u>Entries objected to by Plaintiff</u>	<u>Response</u>
“Charge for 6 pages, dated 5/13/05 – Description ‘(TM)’”:	Review of the correspondence file indicates that this entry is of a transmittal to Tom Caffrey from Leanda Santos (secretary to Lynne Toyofuku) forwarding an invoice. Charged Plaintiff 2 pages and not 6 pages.
“Charge for 86 pages, dated 7/13/05 – Description ‘(11+8+46+21)’”:	Did not charge Plaintiff for this entry.
“Charge for 15 pages, dated 7/18/05 – Description ‘(TM & invoices)’”:	Review of the Correspondence file indicates that this entry is of a transmittal to Tom Caffrey from Leanda Santos (secretary to Lynne Toyofuku) forwarding invoices. Charged Plaintiff for 5 pages and not 15 pages.
“Charge for 36 pages, dated 9/6/05 – Description ‘(4x6 = 24+12 = 36)’”:	Did not charge Plaintiff for this entry.
“Charge for 1133 pages, dated 9/12/05 – Description ‘(oral depo transcript)’”:	Did not charge Plaintiff for this entry.
“Charge for 252 pages, dated 10/11/04 – Description ‘(Depo Transcript of Pltf.)’”:	Did not charge Plaintiff for this entry.
“Charge for 126 pages, dated 12/13/04 – Description ‘(Plaintiff’s Disclosure of Expert Witnesses)’”:	Did not charge Plaintiff for this entry.

<u>Entries <i>objected to</i> by Plaintiff</u>	<u>Response</u>
“Charge for 36 pages, dated 4/8/05 – Description ‘(Discovery Responses from Plaintiff)’”:	Did not charge Plaintiff for this entry.
“Charge of 14 pages, dated 7/13/05 – Description ‘(T. Caffrey depo transcript)’”:	Did not charge Plaintiff for this entry.
“Charge for 10 pages, dated 7/13/05 – Description ‘(R. Caffrey depo transcript)’”:	Did not charge Plaintiff for this entry.
“Charge for 5 pages, dated 7/13/05 – Description ‘(R. Nehmad depo transcript)’”:	Did not charge Plaintiff for this entry.
“Charge for 388 pages, dated 9/7/05 – Description ‘(P’s opp. To MILS)’”:	Did not charge Plaintiff for this entry.
“Charge for 280 pages, dated 9/20/05 – Description ‘(Depo transcript of Lt. Col. Mark Johnson)’”:	Did not charge Plaintiff for this entry.
“Charge for 300 pages, dated 9/20/05 – Description ‘(Depo Transcript of Peter Day [sic])’”:	Did not charge Plaintiff for this entry.

4. In Plaintiff John Moffett’s Objections to Defendants SMF Systems Corporation, Tom Caffrey, and Ruby Caffrey’s Bill of Costs filed January

12, 2006, page 15, Plaintiff objects to the amount paid to the Equal Employment Opportunity Commission ("EEOC") in the amount \$22.20. Our office received 356 pages of documents from the EEOC and was charged \$22.20, based on the number of pages we received and the amount paid for it appears that the EEOC charged our office less than seven cents a copy for these documents

Executed on March 1, 2006.



WENDY Y. VONDERBURGH